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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,926	06/26/2001	Yasuhiro Ogata	29288.1400	3852

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EXAMINER	
SHIBRU, HELEN	
ART UNIT	**PAPER NUMBER**
2621	
MAIL DATE	**DELIVERY MODE**
06/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/892,926	OGATA ET AL.	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/14/2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/14/2008 has been entered.

Response to Amendment

2. The amendments, filed 02/22/2008, have been entered and made of record. Claims 1-15 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya (US Pat. No. 5,754,258) in view of Tajima (US Pat. No. 4,901,147).

Regarding claim 1, Hanaya discloses an audio and video recording and reproduction apparatus, comprising:

an audio signal switch section for outputting one of a first audio signal having a first volume level and a second audio signal having a second volume level by a switching operation (see col. 6 lines 18-26, col. 7 line 41-44 and also see figure 4); and

a mute section for automatically muting the first audio signal which is output from the audio signal switch section when the audio signal output from the audio signal switch section is switched by the audio signal switch section from the second audio signal to the first audio signal (see figure 25, abstract, and col. 21 line 1-col. 22 line 15. See also the response in paragraph 2 above. Muting process is executed).

Claim 1 differs from Hanaya in that the claim further requires muting the first audio signal after the audio signal output from the audio signal switch section is switched.

In the same field of endeavor Tajima discloses when the audio signals independently received as stereo broadcasting signals, matrix output 140 (Fig. 9) outputs first and second signals as L and R signals (see col. 7 lines 50-61). Tajima further discloses amplitudes of L and R signals are increased or decreased in accordance with volume control signal. Tajima further discloses audio mute circuit is controlled by audio mute control signal so as to prevent audio noise when selection channel are switched or inhibit audio signals to be output to the L and R (see col. 7 line 62-col. 8 line 5). Therefore in light of the teaching in Tajima it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanaya by muting the first audio signal after switched in order to reduce noise.

Regarding claim 2, Hanaya discloses the mute section mutes the second audio signal which is output from the audio signal switch section when the audio signal switch section

switches the first audio signal to the second audio signal (see col. 21 line 1-col. 22 line 15 and figure 15).

Regarding claim 3, Hanaya discloses the first audio signal includes an external audio signal (see col. 2 lines 22-28).

Regarding claim 4, Hanaya discloses the first audio signal includes an audio signal reproduced from an audio and video recording and reproduction medium (see figure 1 and col. 4 line 62-col. 5 line 3 and lines 60-67, and col. 9 lines 54-65).

Regarding claim 5, Hanaya discloses the second audio signal includes an audio signal reproduced from an audio and video reproduction-only medium (see figure 4).

Regarding claim 6, Hanaya discloses the second audio signal includes an audio signal reproduced from an audio reproduction-only medium (see figure 4 and col. 2 lines 22-28).

Regarding claim 7, Hanaya discloses the first audio signal includes an external audio signal (see col. 2 lines 22-28 or claim rejection 3 above),

the second audio signal is reproduced from a reproduction-only medium (see figure 4) ,

the first volume level of the first audio signal and the second volume level of the second audio signal are different from each other (See col. 6 lines 18-26, col. 7 line 41-44, col. 10 line 66-col. 11 line 12, and also see figure 4. The volume level can be up or down. Further each channels have different data IDs, and also the audio signals are output in different amplifiers.),

the audio and video recording and reproduction apparatus has a reproduction mode for reproducing the second audio signal from the reproduction-only medium and a stop mode for stopping the reproduction of the second audio signal from the reproduction-only medium (see figure 4, figure 25 and rejection of claim 1 above) and

the audio signal switch section switches the second audio signal to the first audio signal when the reproduction mode is switched to the stop mode (see rejection of claim 1).

Regarding claim 8, Hanaya discloses a video switch section for outputting a first video signal corresponding to the first audio signal or a second video signal corresponding to the second audio signal by a switching operation (see figure 25 and col. 4 lines 45-51 and line 62-66, col. 5 lines 4-10).

Regarding claim 9, Hanaya discloses the first video signal includes an external video signal (see col. 7 lines 58-67)

Regarding claim 10, Hanaya discloses the first video signal includes a video signal reproduced from an audio and video recording and reproduction medium (see figure 4, col. 6 lines 1-10, 55-66, and col. 7 lines 58-67).

Regarding claim 11, Hanaya discloses the second video signal includes a video signal reproduced from an audio and video reproduction-only medium (see figure 4).

Regarding claim 12, Hanaya discloses the second video signal includes a still picture signal reproduced from a still picture signal medium (see abstract, col. 17 lines 14-23, col. 20 lines 30-38, and col. 21 lines 1-10).

Regarding claim 14, Hanaya discloses the second video signal includes a still picture signal reproduced from a still picture medium (see col. 20 lines 4-43 and col. 21 line 57-col. 22 line 15), and the video switch section outputs the still picture signal when the mute section mutes the first audio signal (see col. 17 lines 14-23, col. 20 lines 30-38, and col. 21 lines 1-10).

Regarding claim 15, Hanaya discloses the mute section only mutes the first audio signal which is output from the audio signal switch section when the audio signal switch section

switches the second audio signal to the first audio signal (see figure 25, and abstract, and col. 21 line 1-col. 22 line 15).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanaya (US Pat. No. 5,754,258) in view of Tajima (US Pat. No. 4,901,147) and further in view of Official Notice.

Regarding claim 13, although Hanaya does not specifically teach audio and video recording and reproduction apparatus has a reproduction mode for reproducing the third video signal from the audio and video reproduction-only medium and a stop mode for stopping the reproduction of the third video signal from the audio and video reproduction-only medium, Hanaya does teach the second video signal includes a third video signal reproduced from the audio and video reproduction-only medium (see figure 4) and a still picture signal reproduced from a still picture signal medium (see rejection of claim 14 above). Hanaya further teaches the video signal switch section switches the third video signal to the still picture signal when the reproduction mode is switched to the stop mode (see rejection of claims 13 and a4 above). Official Notice is given that it would have been obvious to one of ordinary skill in the art at the time the invention was made to reproduce a sub clip from a clip in editing system in order to use it as many times as the user wants.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
May 28, 2008

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621